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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,229	08/01/2001	David H. Donovan	10007766-1	6006

7590 12/27/2004

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EXAMINER

NGUYEN, QUYNH H

ART UNIT PAPER NUMBER

2642

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,229

Applicant(s)

DONOVAN ET AL.

Examiner

Quynh H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/1/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5-6, 9, and 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Lumelsky (U.S. Patent 6,246,672).

As to claims 1 and 9, Lumelsky teaches a remote radio receiver (Fig. 1, terminal 301) comprising: audio circuitry for receiving a digital audio stream and playing extracted audio signals over a speaker (col. 21, lines 47-53); a user selection interface (Fig. 1, "user commands"); user control circuitry that generates control signals as a result of a user interacting with the user selection interface (Fig. 1, control processor 317); input/output interface for providing connection to a remote computer (Fig. 1, antenna 311 via data network 403 to remote computer 201), wherein the input/output interface forwards the digital audio stream from the remote computer to the audio circuitry and forwards the control signals from the user control circuitry to the remote computer (Fig. 4 and col. 15, line 62 through col. 16, line 4 and col. 21, lines 47-67).

As to claims 5 and 13, Lumelsky teaches the user control circuitry comprises a signal encoder (col. 6, lines 32-36).

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As to claims 6 and 14, Lumelsky teaches the user control circuitry comprises a processor (Fig. 1, control processor 317) and a memory (Fig. 1, system memory 313).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4, 7-8, 10-12, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lumelsky (U.S. Patent 6,246,672) in view of Bottum (U.S. Patent 6,014,569).

As to claims 2 and 10, Lumelsky does not teach a digital to analog converter for receiving the digital audio stream and converting the digital audio stream to an analog audio stream; and an amplifier for amplifying the analog audio stream.

Bottum teaches a digital to analog converter for receiving the digital audio stream and converting the digital audio stream to an analog audio stream and making the analog audio signal audible to a subscriber by an amplifier (col. 2, lines 25-31).

Audio data may be transmitted to subscribers in a variety of ways such as: transmitting the audio data in a digital format to the subscriber's mobile radio via a wireless system or converting the received digital audio data to an analog audio signal and making the analog audio signal audible to a subscriber by an amplifier. The latter one would be one of the ^{red}prefer method in this case.

As to claims 3 and 11, Bottum teaches the user selection interface comprises a volume control (Fig. 1, acoustic system 174) and a station selection control (Fig. 1, selection button 178).

As to claims 4 and 12, Bottum teaches a display for displaying a selected radio station (Fig. 1, display 172).

As to claims 7-8 and 15-16, Bottum teaches a display for displaying a selected radio station (Fig. 1, display 172); wherein the user control circuitry comprises a processor (Fig. 1, 150) and a memory (Fig. 1, memory 180); wherein information for the selected radio station is stored in the memory (col. 7, lines 5-19).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lee et al. (U.S. Patent 6,829,475) teach method and apparatus for saving enhanced information contained in content sent to a wireless communication device. Patsiokas (U.S. Patent 6,493,546) teaches system for providing signals from an auxiliary audio source to a radio receiver using a wireless link.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

qhn

Quynh H. Nguyen
December 22, 2004


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